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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

IN RE NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION	**No. M:06-cv-01791-VRW**
	STIPULATION RE: EXTENDING DEADLINE FOR REPLIES FOR MOTION TO STAY [Dkt. 67-69]; AND [PROPOSED] ORDER
This Document Relates To:	Courtroom: 6, 17th Floor
ALL CASES	Judge: Hon. Vaughn R. Walker Hearing: February 9, 2007 — 2:00 p.m.

Dockets.Justia.com

RECITALS

A. On November 7, 2006, the Government filed a Motion to Stay MDL Proceedings, Dkt. 67-69 ("Motion to Stay"). (As in the Joint Case Management Statement, Dkt. 61, "the Government" refers to the federal defendants sued in their official capacities in these actions and the federal intervenor-defendants (United States of America, National Securities Agency, President George W. Bush).)

B. With the approval of the Court, the parties entered into a stipulated briefing schedule of this motion on December 1, 2006 (Dkt. 82), which was subsequently modified at the request of Plaintiffs by stipulation (Dkt. 104) on January 5, 2007 (Dkt. 112).

C. The scheduled hearing on the Motion to Stay is set for February 9, 2007, at 2 p.m.

D. Plaintiffs filed their opposition to the Motion to Stay on January 17, 2007.

E. Replies in Support of the Motion to Stay are presently due on January 30, 2007.

F. The United States has requested two additional days to complete its reply due to the press of other business, which has included the (i) presentation of oral argument before the Judicial Panel for Multidistrict Litigation on January 25, 2007, regarding cases subject to conditional transfer orders 3 and 4 in MDL 1791 that may be transferred to this Court, (ii) preparation of filings in the United States Court of Appeals for the Sixth Circuit in connection with a hearing on January 31, 2007 in *ACLU v. NSA*, Nos. 06-2095, 06-2140 (6th Cir.), and (iii) a response to the Court's Order to Show Cause (Dkt. 76).

G. The revised due date for replies in support of the Motion to Stay would be the same as that already scheduled for a response to the Order to Show Cause and this stipulated extension does not seek to alter the date of the February 9, 2007 hearing.

STIPULATION

Plaintiffs, through their Co-Lead Coordinating Counsel, the AT&T Defendants, the Verizon Defendants, the BellSouth Defendants and the Sprint Nextel Defendants (these groups of defendants are defined as they are in footnotes 3 through 6 of the Joint Case Management Statement, Dkt. 61, at 2) (collectively, the "Major Carriers"), through their respective attorneys of record, and the Government, through their attorneys of record, hereby stipulate to the following schedule and request that the Court make this stipulation an order of the Court:

1. The Government and the Major Carriers shall e-file their replies on the Motion to Stay no later than 2:00 p.m. PST (5:00 p.m. EST) on February 1, 2007.

2. The Government and the Major Carriers do not object to Plaintiffs' e-filing by 2:00 p.m. PST (5:00 p.m. EST) on February 7, 2007 of a single sur-reply limited to responding to arguments, if any, in the replies that are based on the Notice of the Foreign Intelligence Surveillance Act Orders, which was filed on January 17, 2007.

DATED: January 29, 2007

Respectfully Submitted,

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By: *_/s/ Alexander K. Haas_*
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DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B

I, ALEXANDER K. HAAS, hereby declare pursuant to General Order 45, § X.B, that I have obtained the concurrence in the filing of this document from each of the other signatories listed above and below.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on January 29, 2007, in the City of Washington, District of Columbia.

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[PROPOSED] ORDER

Pursuant to the foregoing stipulation, and good cause appearing,

IT IS SO ORDERED.

Dated: January __, 2007.

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Hon. Vaughn R. Walker
United States District Chief Judge